

Hallauer, Lori

From: Jim Ford [jf@mtenvironmentaltrust.org]
Sent: Friday, May 10, 2013 3:37 PM
To: Burns, Betsy; Denise Kirkpatrick (MDEQ); Breeden, Randy; Figur, Charles
Cc: Cindy Brooks (METG); Marc Weinreich (METG); Garrett Thompson (METG); Rob Collins (MDOJ)
Subject: East Helena - March 2013 RCRA Report
Attachments: East Helena - March 2013 RCRA Monthly Progress Report.pdf

At the request of EPA attached is the March 2013 RCRA Monthly Progress Report for the former Asarco site in East Helena, Montana. A hard copy of the report has been sent via Certified Mail to those addressed and copied in the report.

Please feel free to contact me with any questions.

Sincerely,

Jim

Jim Ford
East Helena Remedial Project Manager
Montana Environmental Trust Group, LLC (METG)
Trustee of the Montana Environmental Custodial Trust
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Montana Environmental Trust Group, LLC
Trustee of the Montana Environmental Custodial Trust
PO Box 1230, East Helena, Montana 59635
Telephone: (406) 227-1242

March 10, 2013

Betsy Burns
RCRA Project Officer
EPA Region VIII
Montana Office
10 West 15th St., Suite 3200
Helena, MT 59626

RE: Consent Decree Civil Action No. CV 98-3-H-CCL East Helena Site Work Performed During March 2013

Dear Ms. Burns:

The Montana Environmental Trust Group, LLC, Trustee of the Montana Environmental Custodial Trust (the Custodial Trust), hereby submits the attached monthly progress report for the month of March 2013 to the US Environmental Protection Agency (EPA). The enclosed report was prepared pursuant to the requirements of Section 86 and other applicable provisions of the First Modification of the Consent Decree (No. CV 98-3-H-CCL) entered on US Federal District Court (Montana) in 2012.

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**Montana Environmental Custodial Trust Monthly Progress Report for the East Helena Site
March 2013**

#	Topics & Subtasks	Date(s)	Major Activities ¹
I. RCRA Corrective Action			
A. Investigations, Studies, Analyses and Data Collection			
1.	Phase II RFI	During Period	A plan for finalizing the Phase II RFI is being developed by the CT.
2.	FSAP	During Period	The 2013 FSAP is being implemented by Hydrometrics.
3.	Risk Assessment	During Period	No significant risk assessment activities occurred during the reporting period.
4.	Upper Lake Aquifer Test	During Period	Monitoring of groundwater elevations and water quality impacts from the Upper Lake Test continued during the reporting period.
5.	GW Model	During Period	Continued reviewing results of predictive simulations (modeling the PPC Bypass in and Smelter Dam removed) provided by NewFields against field-measured water levels in support of the SPHC IM.
6.	Database Management	During Period	No significant database management activities occurred during the reporting period.
7.	Project Management	During Period	No significant project management activities occurred during the reporting period.
B. Interim Measures			
1.	SPHC IMs	3/1/13	CT personnel met with CH2MHill on Phase 2 Demolition issues, to review 30% design drawings, and determine items to demolish and save.
		3/4/13	CT personnel met with Century Link to discuss cost estimate progress for the relocation of the phone line for PPC bypass channel construction.
		3/4/13	CT personnel contacted Steve Lindberg, who confirmed he will provide a soil sample location map and deliver left-over soil samples from Energy Labs.
		3/6/13	CT personnel met with Intermountain Construction to go over soil repository location for excess soils from EH storm drain project.
		3/7/13	The CT requested an industrial water rate quote from the City of EH for water to be used in the Bath house during construction activities.
		3/19/13	CT personnel contacted Dennis Young with the Kleffner Ranch and advised him of the upcoming Migratory Bird Treaty Act (MBTA) tree removal and fence construction along the property boundary.
		3/20/13	CT personnel contacted Chip Foster to disc Vollmer field for MBTA mitigation.
		3/21/13	CT personnel contacted Air Liquide's demolition contractor to remove the remaining building roofs from the CT's property.
		3/21/13	CT personnel contacted MMI for bidding on the Phase 2 demolition oversite.
		3/21/13	The CT had trees lining the LL shoreline cut down and hauled to the parking lot for disposal in

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			compliance with the MBTA.
		3/25/13	Double Stud Construction started tree removal on the East Bench in compliance with the MBTA.
		3/27/13	CT personnel reviewed PPC Bypass bids with CH2MHill.
		3/28/13	Chip Foster started field tilling at the Vollmer field for MBTA compliance.
		3/30/13	The CT reviewed and approved the final Phase 2 demolition design.
	During Period		PPC Bypass: <ul style="list-style-type: none"> • Complete bid evaluation for lowest price responsible & responsive bidder • Update schedule for contracting and execution of work • Begin preparation of CM Statement of Work and detailed level of effort spreadsheet with roles and responsibilities.
	During Period		PPC Realignment: <ul style="list-style-type: none"> • Continued coordination with NewFields and Hydrometrics on groundwater modeling that will guide final location and elevation of the Realignment; • Updated master schedule to integrate additional Trust, Lead Agency, and public reviews into project timeline. • Continued Development of Engineering Criteria: • Reviewed and revised hydraulic and sediment transport calculations for proposed channel template simulations; • Developed wetland design criteria; • Developed revegetation design criteria; • Developed fish passage criteria • Conducted preliminary stream corridor substrate material import volume estimates • Coordination with Pioneer on design criteria. Completed and submitted draft geomorphology design criteria to Pioneer for inclusion in the Channel Design Criteria TM. • Conducted first review of the Design Criteria TM. • Preparing responses to EC Hydraulic comments and revising TM; • Preparing responses to EC Channel Stability comments and revising TM; • Reviewed Design Criteria TM review comments, and revised TM; • Continued development of Draft Engineering Report. • Continued to develop channel realignment design for 30% submittal. <ul style="list-style-type: none"> ○ Develop 30% Drawing Sheets ○ Develop Conceptual Wetland Plan and sections ○ Develop Stream Corridor Plan and Profiles. ○ Develop Cover, index and legend sheets
	During Period		Phase 1 Demo: <ul style="list-style-type: none"> • Complete Construction Quality Plan (CQP)

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			<ul style="list-style-type: none"> • CH weekly coordination calls with Envirocon • Weekly coordination meetings with CH, Blaine Cox and Mark Rhodes • Evaluate and coordinate MBTA bird surveys for Phase 1 demo area including the OSHB • Hold Operational Readiness Review meeting and development of punch list items for mobilization. • Receive and review Envirocon Schedule of Values and March 2013 invoice. • Coordinate logistics for the MBTA field survey • Perform initial survey of East bench and Phase 1 and 2 demolition areas • Prepare for mobilization on April 1
		During Period	Phase 2 Demo: <ul style="list-style-type: none"> • Incorporate Custodial Trust comments on the 90%, 98%, and 100% design drawings and specification. • Hold weekly update meetings with Custodial Trust and with Design Team • Continue evaluation of water, electrical, phone, and gas needs post Phase 2; coordinated with Blaine Cox on existing site conditions and Trust operations requirements. • Complete assembly and evaluation of Phase 2 ERM information for inclusion in specification. • Preparation of a Phase 2 issue log to track questions and answers for design • Issue 100% design package and bidder list for Custodial Trust review and approval to issue for bid
		During Period	Utility Relocation: <ul style="list-style-type: none"> • Coordination with CT and Century Link regarding telephone line relocation requirements and interface with NWE power pole relocation. • Custodial Trust has assumed responsibility for Northwestern Energy and Century Link coordination and communications.
		During Period	COEH Waterline: <ul style="list-style-type: none"> • Update schedule for contracting and execution of work • Set up project accounting • Begin preparation of Project instructions • Prepare draft subcontract and submit to Helena Sand and Gravel for review and signature • Weekly coordination meetings with CH, Blaine Cox and Mark Rhodes
		During Period	ET Cover: <ul style="list-style-type: none"> • Begin modeling for ET cover • Soil lab results being finalized – some lab results for gradation are different than expected. • Begin typical design section and details. • Begin evaluation for gravity feed system in lieu of pumps

**Montana Environmental Custodial Trust Monthly Progress Report for the East Helena Site
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#	Topics & Subtasks	Date(s)	Major Activities ¹
			<ul style="list-style-type: none"> Continue evaluation of borrow program. Evaluating criteria for test plot Begin 30% design
		During Period	Corrective Measures Study <ul style="list-style-type: none"> Planning activities on updating the Corrective Measures Study (CMS) Work Plan. Initiated updating the sitewide Conceptual Site Model (CSM) write-up.
2.	ET Cover System IMs	During Period	ET Cover: <ul style="list-style-type: none"> Begin modeling for ET cover Soil lab results being finalized – some lab results for gradation are different than expected. Begin typical design section and details. Begin evaluation for gravity feed system in lieu of pumps Continue evaluation of borrow program. Evaluating criteria for test plot Begin 30% design
3.	Source Removal IMs	During Period	Source Removal IM: For the Tito Park grading evaluation, <ul style="list-style-type: none"> Prepared and submitted to the Trust for review an annotated outline of the TM. Completed ROM cost estimates for the 3 grading options. Prepared and submitted to the Trust for review a preliminary comparative analysis of the grading options. Prepared and submitted to the Trust for review draft PPT slides for the upcoming presentations in April.
		During Period	<ul style="list-style-type: none"> Start planning for 2014 IMWP once 2014 SOW is defined
4.	IM Work Plans	During Period	GW Flow/Transport Modeling: <ul style="list-style-type: none"> Reviewed calibration results of NewFields' updated flow model. Attended conference call with the groundwater modeling technical working group. Coordinated with NewFields on predictive simulations to support SPHC IM (PPC Bypass and Realignment in place) and sitewide CSM (particle tracking analysis).
5.	RCRA Team Support	During Period	Conceptual Site Models: <ul style="list-style-type: none"> Continued MVS modeling and sitewide CSM activities: preparation of color-coded maps of metals impact; MVS mass calculations; preparation of 3D CSM block diagram; and reviewed and incorporated new analytical results for the LOSA and slag pile leachability data. Prepared draft PPT slides to present MVS results and sitewide CSM evaluations, in preparation for April meetings with the Trust, EPA, and other Beneficiaries.
		During	<ul style="list-style-type: none"> Conducted weekly project review meeting with the CT

**Montana Environmental Custodial Trust Monthly Progress Report for the East Helena Site
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#	Topics & Subtasks	Date(s)	Major Activities ¹
		Period	
6.	General (Programmatic) IMs	During Period	<ul style="list-style-type: none"> Complete evaluation of water requirements for HDS and options for supply post COEH waterline disconnect
		During Period	<ul style="list-style-type: none"> Prepared updated Master Project Schedule; issued for Trust review Held Task Lead weekly meetings to discuss work item progress, schedule, financial status, and critical pathways
7.	Project Management	During Period	No significant project management activities occurred during the reporting period.
8.	Permitting	During Period	No significant permitting activities occurred during the reporting period.
C. CMS			
II. Beneficiary/Stakeholder Communications			
A.	Beneficiary Communications	3/12/13	Monthly Beneficiaries Meeting
B.	Stakeholder Communications	3/6/13	EHECTIC meeting with Stakeholders
III Site Management & Operations			
A.	Site-Wide Health & Safety/Regulatory Compliance	3/12/13	EH personnel took photos of the ore storage roof in compliance with the migratory bird abatement plan.
		During Period	<ul style="list-style-type: none"> EH personnel completed weekly and monthly inspections of health and safety systems, CAMU #1 and #2 liners, temporary liners, natural gas hoses and hazardous waste roll-offs. EH personnel removed debris from Smelter Dam and the diversion structure.
B.	Site Security	3/20/13	EH personnel installed high voltage signs on the power line to the Million Gallon tanks.
C.	Plant Operations	3/5/13	EH personnel installed a fire extinguisher in the Medical Office prior to use of the facility by Envirocon.
		3/6/13	EH personnel relocated storage sheds on site to the acid tank area for storage of materials displaced by upcoming demolition.
		3/6/13	EH personnel installed manhole covers on the acid tanks prior to tank inspection.
		3/7/13	EH personnel escorted Helena Septic to pump the DOES sewer holding tank and sump. The tank will be used for Bathhouse bathing water storage moving forward.
		3/7/13	Helena Container Rental and Sales delivered 3 40-foot shipping containers for Phase 2 demolition displaced item storage.
		3/7/13	EH personnel moved drill cuttings from the High Grade building to the storage sheds by the acid tanks.
		3/13/13	EH personnel assisted Eagle Electric install a new power line to the Million gallon storage tanks.
		3/13/13	Pacific Steel and Recycling provided a roll-off dumpster for copper wire collection and transformer recycling for byproducts of preparation for building demolition on site.
		3/14/13	EH personnel checked the DOES sewage tank for sludge, then filled the tank with city water and added bleach to disinfect.
		3/20/13	EH personnel disconnected the natural gas hose leading to the DOES building and stored hose in the storage sheds near the acid tanks. A section of hose was added to the Bathhouse gas line and routed

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			around the General Office trees on the liner. Another section was added to the HDS gas line and routed around the dust silos.
		3/27/13	EH personnel relocated the phone line from the Bath house directly to the HDS plant.
		3/27/13	EH personnel installed orange safety cones along the natural gas line and secured with sand bags to prevent trucks from running over the line.
		3/27/13	EH personnel filled the UL canal with dirt at the diversion dam downstream of the culvert pipe.
		3/27/13	EH personnel rinsed the HERO feed tank.
		3/28/13	EH personnel salvaged all usable items from the Sewer plant building in preparation for Phase 2 Demolition.
		During Period	EH personnel prepared the DOES sewage holding tank for use as water storage for the Bathhouse by cleaning and disinfecting the tank, as well as escorting Helena Septic to help pump the tanks contents and setting up a compressor for air lancing to the tank.
D.	Stormwater Management	3/8/13	Hydrometrics submitted a draft letter to the CT for notifying the DEQ for HDS water treatment plant testing and modification for turbidity problems.
		3/15/13	Jim Lloyd (Hydrometrics) provided a draft DEQ notification letter for HDS water treatment plant testing.
		3/19/13	The HDS filter press sludge was shipped off-site to the Tri-County Landfill for disposal.
		3/20/13	EH personnel loaded the HDS sludge into the Tri-County Landfill roll off container at 9:30AM.
		3/21/13	Hydrometrics submitted a draft letter to the CT for responding to the MPDES violation letter from MDEQ.
		3/27/13	The CT submitted the HDS water treatment plant's February DMRs to the MDEQ.
E.	Documents & Records	3/13/13	EH personnel, with assistance from Hydrometrics, finished relocating documents from buildings designated for Phase 2 demolition to the storage containers near the METG offices.
		3/28/13	EH personnel moved records from the Warehouse mezzanine level to the ground level for transport to the storage containers by the METG office building.
F.	Water Rights	During Period	No significant water rights activities occurred during this reporting period.
G.	Other Property Management	During Period	No significant other property management activities occurred during this reporting period.
H.	Other Site Operations	During Period	No significant other site operations activities occurred during this reporting period.
IV. Property Use/Development			
A.	Agricultural Leases	During Period	No significant agricultural lease activities occurred during this reporting period.
B.	Community Land Uses	3/7/13	The CT provided the City of EH with a modified Fire Dept. Property Use Agreement for the Manager's outbuilding fire training.
		3/21/13	CT personnel sent the 2013 Rodeo User Agreement to the EH Rodeo Association for execution.
		3/27/13	Mike Buckley with the EH Rodeo Association submitted the 2013 Rodeo User Agreement for the CT's review and approval.

**Montana Environmental Custodial Trust Monthly Progress Report for the East Helena Site
March 2013**

#	Topics & Subtasks	Date(s)	Major Activities ⁱ
		3/28/13	Deputy Cornish with the L&CC Sheriff's Office submitted the User Agreement for the Manager's outbuilding explosive entry training for the CT to review and approve.
C.	Redevelopment & Property Sale	During Period	No significant redevelopment and property sale activities occurred during this reporting period.
D.	Slag Re-Processing	3/15/13	Ashgrove requested permission to haul fumed slag for two weeks beginning April 8.
E.	City/County Land Transfers	During Period	No significant City/County land transfer activities occurred during this reporting period.
V. CT Operations & Financial Affairs			
A.	Personnel & Office Operations	During Period	The CT purchased a dedicated site vehicle to be used for travel and transport on the plant site. The vehicle was taken to J4 Automotive for initial repair of minor issues and scheduled fluid replacement.
B.	Financial Affairs	During Period	The CT continued to evaluate and review PO's for CH2MHill and SP4C continued development of CT project controls systems.
VI. Upcoming Activities			
		4/17/13	Soil removal evaluations with Beneficiaries
		4/15/13	Review of 30% PPC Realignment Design with Beneficiaries

ⁱ See Attachment I for a list of acronyms used in the weekly progress reports.

Section 3. Describe and estimate the percentage of studies completed.

No projects or studies were completed in January 2013.

Section 4. Describe Actions being taken to address problems.

There were no actions required to address problems associated with the Decree.

Section 5. Identify changes in key personnel during the period.

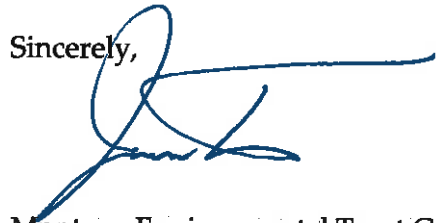
None during the reporting period.

Section 6. Describe the status of financial assurance mechanisms, including whether any changes have occurred, or are expected to occur which might affect them, and the status of efforts to bring such mechanisms back into compliance with the requirements of this Decree.

The Custodial Trust received funds for Environmental Actions earmarked for site clean-up in connection with the ASARCO bankruptcy settlement. The Custodial Trust deposited the funds in a segregated East Helena Clean-up account and is investing and managing the funds in accordance with the provisions of the Settlement Agreement.

Please do not hesitate to contact me with any questions pertaining to this transmittal.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jim Ford', with a long horizontal stroke extending to the right.

Montana Environmental Trust Group, LLC

Not individually but solely in its representative capacity as
Trustee of the Montana Environmental Custodial Trust

By: Greenfield Environmental Trust Group, Inc., Member

By: Jim Ford, Duly Authorized Owner Representative

cc: Denise Kirkpatrick - MDEQ
Randy Breeden - EPA 8
Chuck Figur - EPA 8

CERTIFICATION
PURSUANT TO U.S. v ASARCO INCORPORATED
(CV-98-3-H-CCL, USDC, D. Montana)

"I certify under penalty of law that this document and all attachments, were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations."

Montana Environmental Trust Group, LLC
Not individually but solely in its representative capacity as
Trustee of the Montana Environmental Custodial Trust
By: Greenfield Environmental Trust Group, Inc., Member
By: Jim Ford, Duly Authorized Owner Representative

Attachment I
Montana Environmental Custodial Trust Monthly Progress Report
East Helena (EH) Site Acronyms

Acronyms	
AL	Air Liquide
BOH	Board of Health (Lewis & Clark County)
CD	Consent Decree
Chemet	American Chemet
CLOMR	Conditional Letter of Map Revision
CMS	Corrective Measures Study
CT	Custodial Trust
DMRs	Discharge Monitoring Reports
EAP	Emergency Action Plan
EH	East Helena
EPA	US Environmental Protection Agency
ET	Evapo-Transpiration
FEMA	Federal Emergency Management Agency
GW	Groundwater
HASP	Health & Safety Plan
HEC-RAS	Hydrologic Engineering Centers River Analysis System
IM	Interim Measure
LL	Lower Lake
MBMG	Montana Bureau of Mines & Geology
MDEQ	Montana Department of Environmental Quality
MDOJ	Montana Department of Justice
MDT	Montana Department of Transportation
P&S	Purchase & Sale
PPC	Prickly Pear Creek
SPHC	South Plant Hydraulic Control
UL	Upper Lake
USDOJ	US Department of Justice
USFWS	US Fish & Wildlife Service
WP	Work Plan
WQPD	Water Quality Protection District (Lewis & Clark County)

